

224686

*Law Offices
of
Mark A. Cuthbertson*

434 New York Avenue
Huntington, NY 11743
cuthbertsonlaw.com
P (631) 351-3501
F (631) 614-4314

Mark A. Cuthbertson
Jessica P. Driscoll
Joseph C. DeJesu

Of Counsel
Michelle M. Pfeifferberger

March 16, 2009

VIA ELECTRONIC FILING

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street Southwest
Washington, DC 20423-0001

RE: U.S. Rail – Construction And Operation Exemption
STB Finance Docket No. 35141

Dear Ms. Quinlan:

The Town of Brookhaven ("Brookhaven") and Petitioner U.S. Rail Corporation ("U.S. Rail") continue to actively negotiate with respect to settlement of the above-captioned matter. As such, Brookhaven and U.S. Rail hereby jointly request to extend the time for filing their respective replies to the following pleadings:

1. U.S. Rail requests an additional 30-day extension of time to reply to Brookhaven's pending motion to compel discovery from March 17, 2009 to April 16, 2009; and
2. Brookhaven requests an additional 30-day extension of time to reply to U.S. Rail's supplemental petition from April 1, 2009 to May 1, 2009.

Each party consents to the other's request

Very truly yours,



Jessica P. Driscoll

CC: Karen M. Wilutis, Esq.
James H. M. Savage, Esq.
John D. Heffner, Esq.